

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/073,756	02/11/2002	Naoshi Yamada	14998.285	4497	
759	590 07/07/2006 EXAMINER		INER		
Chadbourne & Parke LLP			HSU, A	HSU, ALPUS	
30 Rockefeller Plaza New York, NY 10112			ART UNIT	PAPER NUMBER	
			2616		
			DATE MAILED: 07/07/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

			(
		Application No.	Applicant(s)				
Office Action Summary		10/073,756	YAMADA ET AL.				
		Examiner	Art Unit				
, , , ,		Alpus H. Hsu	2616				
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with t	he correspondence address				
WHIC - Exte after - If NC - Failu Any	IORTENED STATUTORY PERIOD FOR REPL' CHEVER IS LONGER, FROM THE MAILING Downson of time may be available under the provisions of 37 CFR 1.1 or SIX (6) MONTHS from the mailing date of this communication. Or period for reply is specified above, the maximum statutory period of the unit of the provision of the provi	ATE OF THIS COMMUNICAT 36(a). In no event, however, may a reply will apply and will expire SIX (6) MONTHS a, cause the application to become ABAND	FION. be timely filed from the mailing date of this communication. DONED (35 U.S.C. § 133).				
Status							
1)🖂	Responsive to communication(s) filed on 03 Fe	ebruary 2006.					
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This action is non-final.						
3)[3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
5) 6) 7)	Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-17 are subject to restriction and/or expressions.	wn from consideration.					
Applicat	ion Papers						
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicated any not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examine	epted or b) objected to by the drawing (s) be held in abeyance. Ition is required if the drawing (s) is	See 37 CFR 1.85(a). s objected to. See 37 CFR 1.121(d).				
Priority (under 35 U.S.C. § 119						
12)[a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority application from the International Bureau See the attached detailed Office action for a list	s have been received. s have been received in Appli rity documents have been rec u (PCT Rule 17.2(a)).	ication No reived in this National Stage				
2)	ot(s) Dee of References Cited (PTO-892) Dee of Draftsperson's Patent Drawing Review (PTO-948) The mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) The No(s)/Mail Date	_	nary (PTO-413) ail Date nal Patent Application (PTO-152)				

Application/Control Number: 10/073,756 Page 2

Art Unit: 2616

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of restriction requirement.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-7, 10-17, drawn to a media converter for converting between signals of electrical network and signals of optical network, classified in class 398, subclass
 74.
 - II. Claim 8, drawn to a code converter for alternatively transmitting VALID and INVALID symbols at the transmitting side and generating normal data reception state and error reception state alternately at the reception side, classified in class 341, subclass 58.
 - III. Claim 9, drawn to a fault alarm signal transmission system, classified in class 398, subclass 17.

The inventions are distinct, each from the other because of the following reasons:

- 3. Inventions III and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination has utility by itself or in other combinations. The subcombination has separate utility such as an electrical-to-optical converter.
- 4. Inventions II and I & III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of

Application/Control Number: 10/073,756 Page 3

Art Unit: 2616

operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different designs, modes of operation, and effects.

- 5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), or these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, the restrictions for examination purposes as indicated is proper.
- 6. Applicant is advised that the reply to this requirement to be complete **must** include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Application/Control Number: 10/073,756 Page 4

Art Unit: 2616

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

Alpus H. Hsu Primary Examiner Art Unit 2616

Mpm s. 200